

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:
	:
-v.-	:
	:
DEREK JONES,	:
	:
Defendant.	:
-----X	

21-cr-59 (LAP)

ORDER

LORETTA A. PRESKA, Senior United States District Judge:

Before the Court is Defendant Derek Jones' seventh request to adjourn sentencing. (Dkt. no. 171.) For the reasons set forth below, the request is denied.

Mr. Jones pled guilty on November 1, 2021, more than fourteen months ago. Since that time, the Court has scheduled seven different sentencing dates - on February 23, 2022; March 24, 2022; April 13, 2022; June 1, 2022; September 14, 2022; December 13, 2022; and January 17, 2023. On each of those occasions, the Defendant sought to delay sentencing.

During this time period Mr. Jones sought to withdraw his guilty plea on the basis that, inter alia, he was under the misimpression that he could have a Fatico hearing as of right, (dkt. nos. 118, 119) and was given the opportunity to argue what factual issues made a Fatico hearing appropriate, (dkt. no. 150). The Court found that a Fatico hearing was not required to adjudicate Defendant's objections. (Dkt. no. 165.)

In the interim, Mr. Jones also changed counsel. (Dkt. entry for 5/31/22.) In addition, at the end of 2022, Mr. Jones

became ill, necessitating another adjournment. Now, a week before sentencing, Mr. Jones is seeking a seventh adjournment of his sentencing, (dkt. no. 171), claiming that he has not had adequate time to prepare and he wants to submit a "flow-of-funds analysis," apparently different from the transactional database attached as Exhibit P to Defendant's sentencing submission, (dkt. no. 100). Counsel argues that "[t]hese records appear to conclusively identify more than \$1.5 million of invested capital that was previously included in the 'Unidentified' category of the [prior] database." (Dkt. no. 171 at 2.) Neither of those reasons suffices.

Even with the change of counsel, the Defendant has had more than sufficient time to prepare for sentencing. Indeed, the last request for an adjournment was made within one day of sentencing.

With respect to some "flow-of-funds analysis," Defendant has not explained what effect that would have on sentencing; he has not produced any new financial records to the Government; and he has not suggested how any such analysis would affect the guidelines calculations given that Defendant's customers paid him some \$8.6 million based on his misrepresentations. Accordingly, Defendant has not proffered a sufficient reason for an adjournment, much less a seventh adjournment.

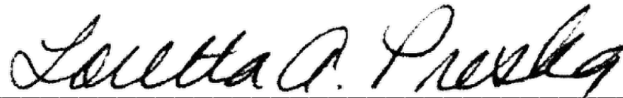
Moreover, there are a number of out-of-town victims who wish to attend the sentencing. A further adjournment is unfair

to them, both in terms of providing a measure of closure and the practicalities of travel arrangements.

Accordingly, for the reasons set forth above, Mr. Jones' request for an adjournment of sentencing (dkt. no. 171) is denied. Sentencing will proceed on January 17, 2023, at 2:00 PM in Courtroom 12A.

SO ORDERED.

Dated: New York, New York
January 12, 2023

A handwritten signature in black ink, reading "Loretta A. Preska". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

LORETTA A. PRESKA
Senior United States District Judge